THE NECESSITY FOR CODIFYING FIQH

As long as the Sahabah ψ lived, the Fuqahaa and Mujtahideen amongst them spread out in the Muslim empire and the various problems were solved by them. **However, when the last Sahabi Hadhrat Abu Tufayl τ passed away in the year 110 A.H., the students of the Sahabah ψ - the Taabi'een** – took over this responsibility and seven places became famous for being strongholds of knowledge and where Fataawaa were issued. These centres were Madinah, Makkah, Kufa, Basrah, Damascus, Egypt and Yemen. Kufa was however distinguished because thousands of Sahabah ψ lived there and there remained thousands of students of Hadhrat Abdullaah bin Mas'ood τ and Hadhrat Abu Hurayrah τ.

Upto the year 120 A.H., Imaam Abu Haneefah رحمه الله was one of the celebrated students of the famous Muhaddith and Faqih Imaam Hammaad رحمه الله. After the demise of Imaam Hammaad رحمه الله, Imaam Abu Haneefah رحمه الله became his successor and a teacher and Mufti in his own right.

Imaam Abu Haneefah رحمه الله realised that many changes had taken place in the first century of Islaam and that this would not stop. Many evils such as the fabrication of Ahadeeth had cropped up. Seeing that knowledge was not confined to one person or place, Imaam Abu Haneefah رحمه الله decided that if no compilation and codifying took place, the necessary knowledge would be lost. Another reason was that as time speedily went by, many men of knowledge were also leaving the world, making it increasingly difficult for people to attain the knowledge they need. It was for these and other reasons that Imaam Abu Haneefah رحمه الله started the monumental task.

Imaam Abu Haneefah رحمه الله selected forty of the most proficient men of his students to form a committee to undertake this task. These men were:

1. Imaam Zufar رحمه الله (passed away 158 A.H.)
2. Imaam Maalik bin Mughawwal رحمه الله (passed away 159 A.H.)
3. Imaam Dawood Taa'ee رحمه الله (passed away 160 A.H.)
4. Imaam Mandil bin Ali رحمه الله (passed away 168 A.H.)
5. Imaam Nadhar bin Abdul Kareem رحمه الله (passed away 169 A.H.)
6. Imaam Amr bin Maymoon رحمه الله (passed away 171 A.H.)
7. Imaam Hibbaan bin Ali رحمه الله (passed away 173 A.H.)
8. Imaam Abu Ismah رحمه الله (passed away 173 A.H.)
9. Imaam Zuhayr bin Mu'aawiya رحمه الله (passed away 173 A.H.)
10. Imaam Qaasim bin Ma'n رحمه الله (passed away 175 A.H.)
11. Imaam Hammaad bin Imaam Abu Haneefah رحمه الله (passed away 176 A.H.)
12. Imaam Hayyaaj bin Bistaam رحمه الله (passed away 177 A.H.)
13. Imaam Shareek bin Abdullaah رحمه الله (passed away 178 A.H.)
14. Imaam Aafiya bin Yazeed رحمه الله (passed away 180 A.H.)
15. Imaam Abdullaah bin Mubaarak رحمه الله (passed away 181 A.H.)
16. Imaam Abu Yusuf رحمه الله (passed away 182 A.H.)
17. Imaam Muhammad bin Nooh رحمه الله (passed away 182 A.H.)
18. Imaam Hushaym bin Basheer Sulami رحمه الله (passed away 183 A.H.)
19. Imaam Abu Sa'eed Yahya bin Zakariyyah رحمه الله (passed away 184 A.H.)
20. Imaam Fadhl bin Ayyaadh رحمه الله (passed away 187 A.H.)
21. Imaam Asad bin Amr رحمه الله (passed away 188 A.H.)
22. Imaam Muhammad bin Hasan رحمه الله (passed away 189 A.H.)

23. Imaam Ali bin Mis'ar رحمه الله (passed away 189 A.H.)
24. Imaam Yusuf bin Khaalid رحمه الله (passed away 189 A.H.)
25. Imaam Abdullaah bin Idrees رحمه الله (passed away 192 A.H.)
26. Imaam Fadhl bin Moosa رحمه الله (passed away 192 A.H.)
27. Imaam Ali bin Tibyaan رحمه الله (passed away 192 A.H.)
28. Imaam Hafs bin Ghayyaath رحمه الله (passed away 194 A.H.)
29. Imaam Wakee bin Jarrrah رحمه الله (passed away 197 A.H.)
30. Imaam Hishaam bin Yusuf رحمه الله (passed away 197 A.H.)
31. Imaam Yahya bin Sa'eed Qattaan رحمه الله (passed away 198 A.H.)
32. Imaam Shu'ayb bin Is'haaq رحمه الله (passed away 198 A.H.)
33. Imaam Abu Hafs bin Abdur Rahmaan رحمه الله (passed away 199 A.H.)
34. Imaam Abu Mutee Balkhi رحمه الله (passed away 199 A.H.)
35. Imaam Khaalid bin Sulaymaan رحمه الله (passed away 199 A.H.)
36. Imaam Abdul Hameed رحمه الله (passed away 203 A.H.)
37. Imaam Hasan bin Ziyaad رحمه الله (passed away 204 A.H.)
38. Imaam Abu Aasim Nabeel رحمه الله (passed away 212 A.H.)
39. Imaam Makki bin Ibraheem رحمه الله (passed away 215 A.H.)
40. Imaam Hammaad bin Daleel رحمه الله (passed away 215 A.H.)

All the above scholars were Mujtahideen. From them, ten or twelve were selected to form a higher committee. The pillars of this committee were Imaam Abu Yusuf رحمه الله, Imaam Zufar رحمه الله, Imaam Dawood Taa'ee رحمه الله, Imaam Yusuf bin Khaalid رحمه الله, Imaam Yahya bin Zakariyyah رحمه الله, Imaam Muhammad رحمه الله, Hadhrat Abdullaah bin Mubaarak رحمه الله and Imaam Abu Haneefah رحمه الله himself.[1]

[1] *Jawaahirul Mudhiyyah* (Vol.1 Pg.14), as quoted in *Imaame A'zam Imaam Abu Haneefah* رحمه الله pgs.183-184.

With regard to this committee, Imaam Wakee رحمه الله who was the teacher of Imaam Shaafir'ee رحمه الله said, "How could there have remained any errors in this work of Imaam Abu Haneefah رحمه الله when he had with him **experts of Hadith** such as Abu Yusuf, Hafs bin Ghayaath, Hibbaan and Mandil? And when he had **experts in Arabic** such as Qaasim bin Ma'n who was the grandson of Hadhrat Abdullaah bin Mas'ood τ? And when there were people of Taqwa and piety present such as Dawood bin Nadheer and Fudhayl bin Ayaadh? A person who has such people as companions cannot be wrong because there would always be someone to correct him if he ever erred."[1]

The sequence Imaam Abu Haneefah رحمه الله employed in extracting rulings was to first look for them in the Qur'aan, then the Ahadeeth, then the sayings of the Sahabah ψ and then Qiyaas. His insight on Ahadeeth was very deep and apart from verifying which Ahadeeth fell into which category of strength, he also sought out the actions that Rasulullaah ρ carried out during the last portion of his life.

After in-depth deliberation over various rulings, Imaam Abu Haneefah رحمه الله also explained those rulings that had not taken place but which were a possibility. The students around him were allowed to freely discuss the various rulings while keeping within the ambit of the Qur'aan, the Ahadeeth, the sayings of the Sahabah ψ and Qiyaas. In fact, the discussions were often so free that some students would criticise the proofs of Imaam Abu Haneefah رحمه الله himself. When strangers asked him how he tolerated such apparent insolence, he said that he had trained them never to be overawed by any person, so that they could dissect the rulings of any person, even those of Imaam Abu Haneefah رحمه الله himself.

In this manner, they would deliberate upon various issues and note it down immediately if consensus was reached. If

[1] *Jaami'ul Masaaneed* pg. 33.

not, further discussions would take place until a satisfactory decision was reached. Some discussions would continue for months on end and when they became too prolonged, Imaam Abu Haneefah رحمه الله would stand up to address the scholars. They would all listen intently as he provided a solution that all would accept. In certain cases when some of the senior committee members remained adamant about their opinions, all their opinions were noted.

The rulings of the Shari'ah were thus codified and documented during a period of 22 years and the books were famously known as the books of Imaam Abu Haneefah رحمه الله. They comprised of 83000 pages with a total of which 38000 rulings about salaah and the remaining 45000 about the various aspects of social dealings and penal code.[1]

These documents became useful for the Ulema of the time and the government. They were officially approved by the government and courts were compelled to judge according to them. Hadhrat Yahya bin Aadam رحمه الله says, "The Khulafaa, Imaams and governors issued verdicts according to them and this is how affairs remained."[2]

Hadhrat Muhammad bin Is'haaq رحمه الله says that all knowledge, whether on land or at sea, in the east or west or far and near were all the fruit of these documentations of Imaam Abu Haneefah رحمه الله.[3]

None of the other Imaams had as many companions or students as Imaam Abu Haneefah رحمه الله and Ulema as well as the Muslim public benefited from the way in which he explained difficult Ahadeeth and extracted rulings.[4]

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[1] *Imaame A'zam* and *Anwaarul Baari*.
[2] *Muwaffaq* (Vol.2 Pg.41).
[3] *Fiqhu Ahlil Iraq* pg.57.
[4] *Fiqhu Ahlil Iraq* pg.57.

It was from those times until today that the followers of the Hanafi Madhhab have always been many. Allaama Ibn Atheer Shaafi'ee رحمه الله writes that it is Allaah's secret why so many people perform their salaah according to the method shown by Imaam Abu Haneefah رحمه الله.[1] Allaama Mulla Ali Qaari رحمه الله states that followers of Imaam Abu Haneefah رحمه الله outnumber those of the other Imaams just as the followers of Rasulullaah ρ outnumber those of the previous Ambiyaa عليهم السلام. **He adds that just as two thirds of the people of Jannah will be from this Ummah, the followers of the Hanafi Madh'hab number two thirds of the Ummah.**[2]

Apart from this, Imaam Abu Haneefah رحمه الله and his followers have been granted forgiveness by Allaah, as a story reported in Imam Kurdi 's book states. He reports that Imaam Abu Haneefah رحمه الله once entered the Kabah and recited half of the Qur'aan Standing on one foot and the other half standing on the other. Thereafter, he made du'aa saying," O Allaah! I have not recognised You as I ought to have done and have not worshipped You as I ought to have done. Please grant me your perfect recognition in exchange for my imperfect devotion." A voice was then heard from the corner of the Kabah saying "You have attained excellent recognition and have worshipped sincerely. You have therefore been forgiven together with all those who follow you."[3]

The gist of it all is that the majority of the Ummah has followed the Hanafi Madh'hab because since the time that the Muslims conquered the Indian subcontinent, both the rulers and the subjects have all been Muqallideen and followers of the Hanafi Madh'hab. Hadhrat Moulana Abdur Rasheed Nu'maani دامت بركاته writes in his book that all the conquerors of India from Mahmood Ghaznawi to Aurangzeb have all been followers of the Hanafi Madh'hab,

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[1] *Fiqhu Ahlil Iraq* pg.57.
[2] *Mirqaat* (Vol.1 Pg.27).
[3] *Kurdi* (Vol. 1 Pg 55)

as applied to those after them like Sayyid Ahmad Shaheed and others. Therefore, even the people of Kashmir have been followers of the Hanafi Madh'hab, as mentioned by Muhammad Qaasim Farishta and Mirza Haydar in their old books. In fact, Hadhrat Mujaddid Alf Thaani رحمه الله also mentions that the king of the time was a Hanafi and follower of the Ahlus Sunnah wal Jamaa'ah. Shah Abdul Haqq Muhaddith Dehlawi رحمه الله states that the Muslims of Rome as well as the people of the Indian subcontinent all belonged to the Hanafi Madh'hab.

Shah Wali'ullaah Muhaddith Dehlawi رحمه الله writes that they were discussing the Hadith stating that if knowledge was on the Pleiades constellation, a man or a nation of Persian descent will surely get it from there. Hadhrat Shah then stated that the man must surely be Imaam Abu Haneefah رحمه الله because Allaah spread the knowledge of Fiqh through him and it was only the Hanafi Madh'hab that was in vogue in the times gone by when the rulers and judges of the Muslim lands were all Hanafis, as were almost all the teachers and the general public.[1]

He writes in his Tafheemaat[2] that the Muslims of the majority of countries and cities belong to the Hanafi Madh'hab.

We see that the conquerors of the Indian subcontinent and all the saints who lived there throughout the ages, whether they belonged to the Chistiyyah, Naqshbandiyyah or any other denomination, all followed the Hanafi Madh'hab. Even now, we see that the majority of Muslims in India, Pakistan and Bangladesh are all followers of the Hanafi Madh'hab and number in excess of fifty million.

Throughout the passage of time on the subcontinent when the various evils took shape such as in the time of Akbar

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[1] *Kalimaat Tayyibaat*.
[2] Vol.1 Pg.212.

and later on as well, there were people like Mujaddid Alf Thaani رحمه الله and Shah Abdul Haqq Muhaddith Dehlawi رحمه الله who stood up to the challenge and wiped them out. Later on when the British posed a threat to Islaam, especially in the year 1272 A.H., they were also routed out in due course and Islaam was given firm root on Indian soil when two great men named Qaasim Nanotwi رحمه الله and Rasheed Ahmad Gangohi رحمه الله started the Daarul Uloom Deoband beneath a pomegranate tree. As a result of this, thousands of people became Ulema and Mashaa'ikh and are befitting the Ummah to this day. All the people rendering these great services to Islaam happened to be followers of the Hanafi Madh'hab.[1]

Now the evil of the Ghayr Muqallideen has cropped up and has started to revile the Hanafi Madh'hab in particular. It reared its head here in Surat in the town called Samrod, where a certain Moulana Muhammad Samrodi started spreading it. The Ghayr Muqallideen issued challenges to the Hanafis to debate with them and made bold claims that none will be able to face the challenge. When the Hanafi Ulema accepted the challenge, Molvi Samrodi started delaying tactics and made all sorts of excuses. One of the excuses was that his son was facing a court case but even this eventually failed when the case was over.

The debate was to take place in Dhabel and the chief of police even made all the necessary arrangements. He sent for Molvi Samrodi and told him that the people were willing to follow him if he won the debate and if he did not, he would have to submit and become a Hanafi since the challenge came from him. When he still failed to show up, some people went to Samrod and told him that he had to appear because he had started the proceedings.

He was eventually forced to arrive and the debate began at nine o' clock on a Jumu'ah on the seventh Jumadal Ula

[1] Abridged from the monthly *Furqaan*, November 1980.

1303 A.H. before a crowd from approximately ten to fifteen villages. It continued until twelve that afternoon and everything was written down and then signed by both Moulana Abdul Haqq رحمه الله (author of Tafseer Haqqaani), Molvi Samrodi, the police chief and other people present there.

When Molvi Samrodi could not reply to a question, he requested three days leave to consider the answer, which was gracefully granted. The next debate with Hadhrat Moulana Ali Eid Roos رحمه الله in Surat was scheduled for the following day and it took place after Zuhr that Saturday before a crowd of approximately four to five thousand people. This debate was also attended by leading Ulema and officials, all of whom witnessed how the Ghayr Muqallideen were unable to give answers. It was evident before all that their stand was a pathetic one and at the very end Moulana Abdul Haqq رحمه الله asked them why they did not rather give in and accept when they had no answers. He then continued to deliberate on the necessity and substantiation for Taqleed, using proofs and references that were derived from the Qur'aan and Sunnah as well as those that appeal to the logic. When he had completed his lecture after an hour and a half, many people who had become Ghayr Muqallideen repented from their errant ways and became Muqallideen again. It was unfortunate that Molvi Samrodi remained adamant and started to use foul and offensive language. Moulana Abdul Haqq however bore this with patience.

Although Molvi Samrodi did not acknowledge his defeat then, the effect of it was that he later repented for his ways and pledge allegiance to the famous saint of the time Hadhrat Sheikh Peer Moosaji Tarkeesri رحمه الله. He then stayed with the Sheikh and even wrote a poem in praise of the Sheikh.

A descendant of Moulana Muhammad Surti by the name of Molvi Abdul Jaleel became a Ghayr Muqallid of the highest

degree. He published many works reviling the Hanafis and finally debated with Mutakallimul Islaam Hadhrat Moulana Shaber Ahmad Uthmaani رحمه الله also in Dhabel. He arrived in much pomp and show with an ox cart full of books. He was however left speechless and miserably lost the debate. I was also present there and many other people who are still alive today.

He was however not repentant and continued spreading false propaganda against the Hanafis. Many pamphlets were printed with his name on them, which translated text of Hanafi books in a most inappropriate and contemptible manner. The state then arrested the printer and publisher on account of the vile language used and a case was opened. I was approached to provide expert evidence on the matter and accepted. I made it clear that although the texts in question were from the stated sources, it was the translations that brought them to disrepute. The simple example I stated was that while it was fine to call one's mother 'Mother' or 'Mom', it would be disrespectful and insolent to call her 'my father's consort' even though this is accurate. While the texts may be translated in an appropriate manner, it was obvious that the publisher purposely distorted them to cause injury to the repute of the Hanafi Madh'hab.

I presented the argument in writing to the magistrate and also delivered a talk for an hour and a half, explaining the reason why the Fuqahaa had deliberated upon such rulings and why they had to. When Samrodi had no reply to offer, his lawyer told him that the only way out was to claim that he had not written the articles nor printed them or had them distributed. He then did this and the printers also did the same. As a result, the magistrate ruled that it could not be conclusively proven that Samrodi had written the pamphlets or that the printers in question had printed them. The pamphlets were however confiscated because they were unlawful.

Samrodi has since passed away but his successors continue to spread propaganda against the Hanafis. They print a pamphlet in the Jambosar District called *Nidaa'e Haqq,* every issue of which contains some defamatory content. They also publish a pamphlet every year about the twenty Rakaah Taraaweeh issue, which has already been answered and printed in book form. However, because of their relentless propaganda campaign, they have managed to convert many unsuspecting people to their ways. We pray to Allaah to save us from their evils and to grant us a good death. Aameen.